

shall be required with respect to any of the following activities:

(1) Any action which would make emplaced high-level radioactive waste irretrievable or which would substantially increase the difficulty of retrieving such emplaced waste.

(2) Dismantling of structures.

(3) Removal or reduction of controls applied to restrict access to or avoid disturbance of the controlled area and to areas outside the postclosure controlled area where conditions may affect isolation within the controlled area.

(4) Destruction or disposal of records required to be maintained under the provisions of this part.

(5) Any substantial change to the design or operating procedures from that specified in the license.

(6) Permanent closure.

(7) Any other activity involving an unreviewed safety question.

(b) An application for such an amendment shall be filed, and shall be reviewed, in accordance with the provisions of § 60.45.

[46 FR 13980, Feb. 25, 1981, as amended at 48 FR 28221, June 21, 1983; 61 FR 64268, Dec. 4, 1996]

#### PERMANENT CLOSURE

##### § 60.51 License amendment for permanent closure.

(a) DOE shall submit an application to amend the license prior to permanent closure. The submission shall consist of an update of the license application submitted under §§ 60.21 and 60.22, including:

(1) A description of the program for post-permanent closure monitoring of the geologic repository.

(2) A detailed description of the measures to be employed—such as land use controls, construction of monuments, and preservation of records—to regulate or prevent activities that could impair the long-term isolation of emplaced waste within the geologic repository and to assure that relevant information will be preserved for the use of future generations. As a minimum, such measures shall include:

(i) Identification of the postclosure controlled area and geologic repository operations area by monuments that

have been designed, fabricated, and emplaced to be as permanent as is practicable; and

(ii) Placement of records in the archives and land record systems of local State, and Federal government agencies, and archives elsewhere in the world, that would be likely to be consulted by potential human intruders—such records to identify the location of the geologic repository operations area, including the underground facility, boreholes and shafts, and the boundaries of the postclosure controlled area, and the nature and hazard of the waste.

(3) Geologic, geophysical, geochemical, hydrologic, and other site data that are obtained during the operational period pertinent to the long-term isolation of emplaced radioactive wastes.

(4) The results of tests, experiments, and any other analyses relating to backfill of excavated areas, shaft sealing, waste interaction with the host rock, and any other tests, experiments, or analyses pertinent to the long-term isolation of emplaced wastes within the geologic repository.

(5) Any substantial revision of plans for permanent closure.

(6) Other information bearing upon permanent closure that was not available at the time a license was issued.

(b) If necessary, so as to take into account the environmental impact of any substantial changes in the permanent closure activities proposed to be carried out or any significant new information regarding the environmental impacts of such closure, DOE shall also supplement its environmental impact statement and submit such statement, as supplemented, with the application for license amendment.

[46 FR 13980, Feb. 25, 1981, as amended at 48 FR 28221, June 21, 1983; 54 FR 27872, July 3, 1989; 61 FR 64268, Dec. 4, 1996]

##### § 60.52 Termination of license.

(a) Following permanent closure and the decontamination or dismantlement of surface facilities, DOE may apply for an amendment to terminate the license.

(b) Such application shall be filed, and will be reviewed, in accordance

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with the provisions of § 60.45 and this section.

(c) A license shall be terminated only when the Commission finds with respect to the geologic repository:

(1) That the final disposition of radioactive wastes has been made in conformance with the DOE's plan, as amended and approved as part of the license.

(2) That the final state of the geologic repository operations area conforms to DOE's plans for permanent closure and DOE's plans for the decontamination or dismantlement of surface facilities, as amended and approved as part of the license.

(3) That the termination of the license is authorized by law, including sections 57, 62, and 81 of the Atomic Energy Act, as amended.

[46 FR 13980, Feb. 25, 1981, as amended at 48 FR 28222, June 21, 1983]

### Subpart C—Participation by State Governments and Affected Indian Tribes

SOURCE: 51 FR 27164, July 30, 1986, unless otherwise noted.

#### § 60.61 Provision of information.

(a) The Director shall provide to the Governor and legislature of any State in which a geologic repository operations area is or may be located, and to the governing body of any affected Indian Tribe, timely and complete information regarding determinations or plans made by the Commission with respect to the site characterization, siting, development, design, licensing, construction, operation, regulation, permanent closure, or decontamination and dismantlement of surface facilities, of such geologic repository operations area.

(b) For purposes of this section, a geologic repository operations area shall be considered to be one which "may be located" in a State if the location thereof in such State has been described in a site characterization plan submitted to the Commission under this part.

(c) Notwithstanding paragraph (a) of this section, the Director is not required to distribute any document to

any entity if, with respect to such document, that entity or its counsel is included on a service list prepared pursuant to part 2 of this chapter.

(d) Copies of all communications by the Director under this section are available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, and copies are furnished to DOE.

[51 FR 27164, July 30, 1986, as amended at 64 FR 48954, Sept. 9, 1999]

#### § 60.62 Site review.

(a) Whenever an area has been approved by the President for site characterization, and upon request of a State or an affected Indian Tribe, the Director shall make NRC staff available to consult with representatives of such States and Tribes.

(b) Requests for consultation shall be made in writing to the Director.

(c) Consultation under this section may include:

(1) Keeping the parties informed of the Director's views on the progress of site characterization.

(2) Review of applicable NRC regulations, licensing procedures, schedules, and opportunities for State and Tribe participation in the Commission's regulatory activities.

(3) Cooperation in development of proposals for State and Tribe participation in license reviews.

#### § 60.63 Participation in license reviews.

(a) State, local governmental bodies, and affected, Federally-recognized Indian Tribes may participate in license reviews as provided in subpart J of part 2 of this chapter. A State in which a repository for high-level radioactive waste is proposed to be located and any affected, Federally-recognized Indian Tribe shall have an unquestionable legal right to participate as a party in such proceedings.

(b) In addition, whenever an area has been approved by the President for site characterization, a State or an affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of a site characterization plan and/or license application. The proposal may be submitted at